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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,071	11/21/2000	Jay C. Hsu	KCX-359 (15169)	1979
7	7590 04/12/2005		EXAMINER	
Jason W. Johnston,			YU, GINA C	
Dority & Manning, P.A. PO Box 1449 Greenville, SC 29602-1449			ART UNIT	PAPER NUMBER
			1617	TALER NOMBER
			DATE MAILED: 04/12/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/718,071	HSU ET AL.			
Office Action Summary	Examiner	Art Unit			
	Gina C. Yu	1617			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1)⊠ Responsive to communication(s) filed on <u>06 January 2005</u> .					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) Claim(s) <u>1-4,7-17,19-22,24-27,29,44 and 45</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5)□ Claim(s) is/are allowed. and 45					
6)⊠ Claim(s) <u>1-4,7-17,19-22,24-27,29,<del>20d</del> 44</u> is/are rejected.					
7)☐ Claim(s) is/are objected to.'					
8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9)☐ The specification is objected to by the Examiner.					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:					
<ol> <li>Certified copies of the priority documents have been received.</li> </ol>					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date					
J.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office Ac	tion Summary	Part of Paper No./Mail Date 042005			

#### **DETAILED ACTION**

Receipt is acknowledged of remarks filed on January 6, 2005. Claims 1-4, 7-17, 19-22, 24-27, 29, and 44-45 are pending. Claim rejection made under 35 U.S.C. § 103 (a) over Hammonds et al. (WO 98/03147) in view of Sebillotte-Arnaud (US 5728389), and Potini (US 4944938), as indicated in the previous Office action dated October 6, 2004, is maintained for the reasons of record and as explained below.

## Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 7-17, 19-22, 24-27, 29, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammonds et al. (WO 98/03147) in view of Sebillotte-Arnaud (US 5728389), and Potini (US 4944938).

Rejection is maintained for the reasons of record.

### Response to Arguments

Applicant's arguments file January 6, 2005 have been considered but are unpersuasive.

Applicants assert that the Sebillotte-Arnaud and Potini fail to provide motivation for a skilled artisan to use talloweth-60 myristyl glycol as a suitable nonionic surfactant to make a wet wipe as described by Hammonds. Applicants argue that the proposed combination of the references is improper allegedly because neither of Sebillotte-Arnaud and Potini specifically teaches wet wipe products. Applicants points out that Sebillotte-Arnaud and Potini are directed to a "marshmallow-like solid cleansing

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composition" an antiperspirant/deodorant gel composition, respectively. Applicants further asserts, "the solid, marshmallow-like skin cleansing composition of Sebillotte-Arnaud, even though it may contain a surfactant like talloweth-60 myristyl glycol, likely would make the wiping properties of Hammonds, et al's wet wipes worse".

Examiner respectfully points out that the rejection is not based on the premises that the entire compositions of the secondary references are physically incorporated into the wet wipe. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In the present case, the issue in this case is whether, in view of the collective teachings of the cited references, a skilled artisan would have been motivated to use the specific type of nonionic surfactant to make the skin cleansing lotion composition for the wet wipe product as taught in Hammonds. The secondary references provide the objective evidences that talloweth-60 myristyl glycol is well known in skin cleansing and personal care art. Sebillotte-Arnaud merely uses a substrate that is different from Hammonds to cleanse the skin, but does not negate the fact that the applicant's surfactant is old and well known. The rejection is viewed proper.

### Conclusion

No claims are allowed.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina C. Yu whose telephone number is 571-272-0635. The examiner can normally be reached on Monday through Friday, from 8:30 AM until 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Gina Yu

Patent Examiner

SUPERVISORY PATENT EXAMINER

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